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1761  
  
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\*Admitted only in Maryland  
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•Practice Limited to  
Federal Agencies

December 10, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1761**

Re: U.S. Divisional Utility Patent Application  
Application No. 10/055,430; Filed: January 25, 2002  
For: **Malt Beverage Having Stabilized Flavor and Methods of Production  
Thereof**  
Inventors: RANGEL-ALDAO *et al.*  
Our Ref: 1390.0070006/JAG/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Credit Card Payment Form (PTO/2038);
3. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c)(2);
4. A listing of the cited documents on form PTO-1449;
5. Copies of the cited documents (AP2, AT17, AL3, AM3, AR18, AS18); and
6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
December 10, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", written over a horizontal line.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

JAG/BJD/SAC/jk  
Enclosures

343435



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rangel-Aldao *et al.*

Appl. No.: 10/055,430

Filed: January 25, 2002

For: **Malt Beverage Having  
Stabilized Flavor and Methods  
of Production Thereof**

Confirmation No.: 7557

Art Unit: 1761

Examiner: Sherrer, C.

Atty. Docket: 1390.0070006/JAG/BJD

**First Supplemental Information Disclosure Statement and Fee Under  
37 C.F.R. § 1.97(c)(2)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document (exclusive of the cited U.S. patent) is provided.

The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed May 1, 2002, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of non-English language documents **AL3** and **AM3** cited on Form PTO 1449:

Document **AL3**, Mexican Patent No. MX 220172, is in the Spanish language. An unverified English language abstract of document **AL3** is attached as document **AR18**.

Applicants also note that Document **AL3** is the Mexican equivalent of EPO Publication No. EP 0773285 B1, cited herein as Document **AP2**.

Document **AM3**, Mexican Patent No. MX 220173, is in the Spanish language. An unverified English language abstract of document **AM3** is attached as document **AS18**. Applicants also note that document **AM3** is the Mexican equivalent of U.S. Patent No. 6,372,269, of record in the present matter as document **AI2**, and U.S. Patent No. 6,468,567, cited herewith as document **AJ2**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the

Rangel-Aldao *et al.*  
Appl. No. 10/055,430

mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

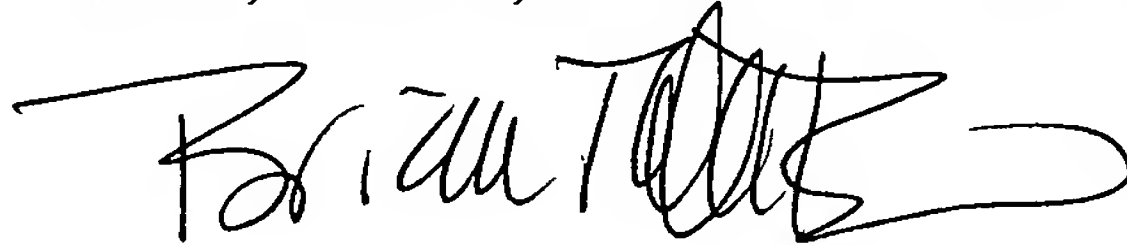
In accordance with 37 C.F.R. § 1.97(c)(2), attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

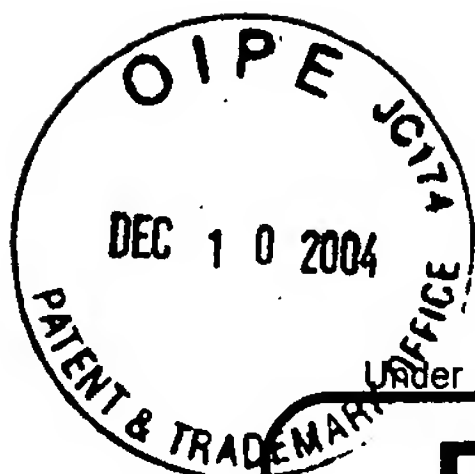
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

Date: Dec. 10, 2004  
1100 New York Avenue, N.W.  
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(202) 371-2600  
340950\_1.DOC



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-04v2)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**180.00**

## Complete if Known

|                      |                      |
|----------------------|----------------------|
| Application Number   | 10/055,430           |
| Filing Date          | January 25, 2002     |
| First Named Inventor | Rafael RANGEL-ALDAO  |
| Examiner Name        | SHERRER, C.          |
| Art Unit             | 1761                 |
| Attorney Docket No.  | 1390.0070006/JAG/BJD |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☒ Other ☐ None

\*\*Charge any deficiencies or credit any overpayments in the fees to Deposit Acct. No. 19-0036.

Deposit Account Number: **19-0036**  
Deposit Account Name: **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid         |
|--------------|----------|--------------|----------|------------------------|------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |                  |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |                  |
| 1002         | 350      | 2002         | 175      | Design filing fee      |                  |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |                  |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |                  |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |                  |
| SUBTOTAL (1) |          |              |          |                        | (\$) <b>0.00</b> |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  - 20\* =  X  =   
Independent Claims  - 3\*\* =  X  =   
Multiple Dependent  =

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid         |
|--------------|----------|--------------|----------|--|------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |                  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |                  |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |                  |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |                  |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |                  |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |                  |
| SUBTOTAL (2) |          |              |          |  | (\$) <b>0.00</b> |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 430      | 2252         | 215      | Extension for reply within second month                                    |          |
| 1253         | 980      | 2253         | 490      | Extension for reply within third month                                     |          |
| 1254         | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    |          |
| 1255         | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |          |
| 1401         | 340      | 2401         | 170      | Notice of Appeal   |          |
| 1402         | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     |          |
| 1403         | 300      | 2403         | 150      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,370    | 2453         | 685      | Petition to revive - unintentional   |          |
| 1501         | 1,370    | 2501         | 685      | Utility issue fee (or reissue)   |          |
| 1502         | 490      | 2502         | 245      | Design issue fee   |          |
| 1503         | 660      | 2503         | 330      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  | 180.00   |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00**

## SUBMITTED BY

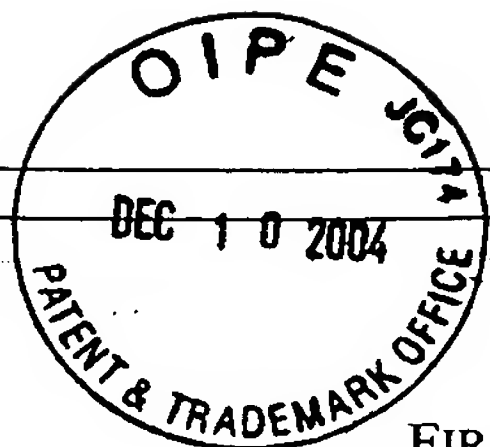
(Complete (if applicable))

|                   |                    |                                   |               |           |                |
|-------------------|--------------------|-----------------------------------|---------------|-----------|----------------|
| Name (Print/Type) | Brian J. Del Buono | Registration No. (Attorney/Agent) | 42,473        | Telephone | (202) 371-2600 |
| Signature         |                    | Date                              | DEC. 10, 2004 |           |                |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FORM PTO-1449

**FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**ATTY. DOCKET NO.  
1390.0070006/JAG/BJDAPPLICATION NO.  
10/055,430APPLICANT(S)  
Rangel-Aldao *et al.*FILING DATE  
January 25, 2002ART UNIT  
1761**U.S. PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE       | NAME                       | CLASS | SUB-CLASS | FILING DATE |
|---------------------|-----|-----------------|------------|----------------------------|-------|-----------|-------------|
|                     | AA  |                 |            |                            |       |           |             |
|                     | AB  |                 |            |                            |       |           |             |
|                     | AC  |                 |            |                            |       |           |             |
|                     | AD  |                 |            |                            |       |           |             |
|                     | AE  |                 |            |                            |       |           |             |
|                     | AF  |                 |            |                            |       |           |             |
|                     | AG  |                 |            |                            |       |           |             |
|                     | AH  |                 |            |                            |       |           |             |
|                     | AI  |                 |            |                            |       |           |             |
|                     | AJ2 | 6,468,567 B1    | 10/22/2002 | Rangel-Aldao <i>et al.</i> | 426   | 62        | 09/19/2000  |
|                     | AK  |                 |            |                            |       |           |             |

**FOREIGN PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE       | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---------------------|-----|-----------------|------------|---------|-------|-----------|-------------|
|                     | AL  |                 |            |         |       |           | Yes<br>No   |
|                     | AM  |                 |            |         |       |           | Yes<br>No   |
|                     | AN  |                 |            |         |       |           | Yes<br>No   |
|                     | AO  |                 |            |         |       |           | Yes<br>No   |
|                     | AP2 | EP 0 773 285 B1 | 12/18/2002 | Europe  |       |           | Yes<br>No   |

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

|  |    |    |  |
|--|----|----|--|
|  | AR |    |  |
|  | AS |    |  |
|  | AT | 17 | Liang, Z-Q., <i>et al.</i> , "Purification and characterization of NADPH-dependent 2-oxoaldehyde reductase from porcine liver. A self-defense enzyme preventing the advanced stage of the Maillard reaction," <i>Eur. J. Biochem.</i> 197:373-379, Blackwell Science Ltd. (1991) |

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT

Page 2 of 2

ATTY. DOCKET NO.  
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## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|---------------------|----|-----------------|------|------|-------|-----------|-------------|
|                     | AA |                 |      |      |       |           |             |
|                     | AB |                 |      |      |       |           |             |
|                     | AC |                 |      |      |       |           |             |
|                     | AD |                 |      |      |       |           |             |
|                     | AE |                 |      |      |       |           |             |
|                     | AF |                 |      |      |       |           |             |
|                     | AG |                 |      |      |       |           |             |
|                     | AH |                 |      |      |       |           |             |
|                     | AI |                 |      |      |       |           |             |
|                     | AJ |                 |      |      |       |           |             |
|                     | AK |                 |      |      |       |           |             |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE       | COUNTRY | CLASS | SUB-CLASS | TRANSLATION  |
|---------------------|-----|-----------------|------------|---------|-------|-----------|--|
|                     | AL3 | MX 220172       | 04/28/2004 | Mexico  |       |           | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
|                     | AM3 | MX 220173       | 04/28/2004 | Mexico  |       |           | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
|                     | AN3 |                 |            |         |       |           | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
|                     | AO  |                 |            |         |       |           | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
|                     | AP  |                 |            |         |       |           | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |           |  |
|--|----|-----------|--|
|  | AR | <u>18</u> | Dialog File 351, Accession No. 11283408, Unverified Derwent WPI English language abstract for MX 220172 (Document AM3) |
|  | AS | <u>18</u> | Dialog File 351, Accession No. 12533868, Unverified Derwent WPI English language abstract for MX 220173 (Document AN3) |
|  | AT |           |  |

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.